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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,920	12/04/2003	William L. Brennenman	6113-000859/US	6952
28997 7590 09/23/2008 HARNESS, DICKEY, & PIERCE, P.L.C 7700 Bonhomme, Suite 400 ST. LOUIS, MO 63105				
EXAMINER				
LAM, CATHY FONG FONG				
ART UNIT		PAPER NUMBER		
1794				
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09/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILLIAM L. BRENNEMAN,
ANDREW VACCO
AND SZUCHAIN F. CHEN

Application 10/727,920
Technology Center 1794

Mailed: September 23, 2008

Before ZRISTA ZELE, *Deputy Chief Appeals Administrator*.
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on June 18, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner to address the matter requiring attention prior to docketing.

A review of the file finds that the status of the claims as provided in the Appeal Brief filed November 12, 2007 under the heading “Status of Claims” is unclear and/or is not consistent with the status of claims of record in accordance with 37 CFR 41.37(c)(1)(iii). The status of the claims as provided in the Appeal Brief must be consistent with the last **entered** amendment. Each claim on appeal must be identified. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8th ed. Rev. 6, Sept 2007) for details.

A review of the last entered amendment finds that claims 2, 7, 13-28 are cancelled; whereas Appellants have either not indicated the status of these claims or has improperly listed these claims as withdrawn. Correction of the status of all claims is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief filed on November 12, 2007 defective;
- 2) notify Appellants to file a paper properly addressing the status of all claims;
- 3) for such further action as may be appropriate.

Application No. 10/727,920

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/dal

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